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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,844

Applicant(s)

REYNOLDS, PATRICIA HELEN

Examiner

Vishu K Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. Claims 17-18, 25-27 rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (5607160).

Claim 17: Stevens teaches a board having a top surface, a path, game spaces (1), at least one space being a religious action space (Q,A,D), a trivia card with religious questions and answers (Fig.2A), a plurality of tokens (21), die (22), a debate mechanism (4:34-56), and a religious –action mechanism (4:10-30). Stevens further teaches newly added limitation of spaces divided into religious sets (trinity). The examiner takes the position that many religions recognize sanctity of Father, Son and Holy spirit in some way or the other with different interpretations. For example the creator of the world is referred as Father in many religions.

Claim 18: An opposition player challenging believing that a playing team has answered incorrectly (4:34-56).

Claim 25: Stevens teaches religious action Passover (Fig.2B, reference character 19).

Claim 26: Claim is a rule for playing and rules do not further limit the claim.

Claim 27: Multiple choice questions (3:34-36).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Ex. Parte Breslow 192 USPQ 431.

Stevens teaches a game with trivia categories of "Father", "Son" and "Holy Spirit".

Stevens further teaches newly added limitation of spaces divided into religious sets (trinity). The examiner takes the position that many religions recognize sanctity of Father, Son and Holy spirit in some way or the other with different interpretations. For example the creator of the world is referred as Father in many religions.

Stevens teaches all limitations except that it does not expressly indicate the categories being different religions as in applicant's claim 20.

The only difference between applicant's categories (different religions) and the cited reference (Father, Son and Holy Spirit) resides in meaning and information conveyed by the printed matter that is not considered patentable Ex. Parte Breslow. The game will not change because a different question from a different category/religion is asked. In order to attract game players from different faith, it would have been obvious to print related questions and act indicia on game items. One of ordinary skill in art at the time the invention was made would have suggested modifying game indicia to represent actions and questions from a plurality of different religions to attract players from different faith.

4. Claims 1-8,21 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (5120066) in view of Ex. Parte Breslow 192 USPQ 431.

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Claims 1,5,8: Cohen teaches a trivia card (Fig.2-3) with questions and answers, teaches designating a player (5:68-6:1) and opposite player (6:29), a player providing answer (6:17-18), a challenged by an opponent (6:28-29), the challenger providing answer (6:30-31), resolving the dispute and awarding/penalizing the player/challenger depending on who answers correctly.

Cohen teaches a game with trivia categories of "words and subwords". The only difference between applicant's categories (religions) and the cited reference (words and subwords) resides in meaning and information conveyed by the printed matter that is not considered patentable Ex. Parte Breslow. The game will not change because a different question from a different category is asked. In order to attract game players from different faith, it would have been obvious to print related questions and act indicia on game items. One of ordinary skill in art at the time the invention was made would have suggested modifying game indicia to represent actions and questions from a plurality of different religions to attract players from different faith.

Claim 2-3: Cohen teaches rectangular surface, path and spaces (Fig.1),

Claim 4: Trivia cards have questions and answer on opposite sides (3,9).

Claim 6: Rewarding by advancing pieces (6:38-42).

Claim 7: Penalizing by retreating pieces (6:24-27).

Claim 21: Cohen teaches multiple questions (Fig.2).

5. Claims 9-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (5607160) in view of Ex.Parte Breslow 192 USPQ 431.

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Stevens teaches a board having a top surface, a path, game spaces (1), at least one space being a religious action space (Q,A,D), a trivia card with religious questions and answers (Fig.2A), a plurality of tokens (21), die (22), a debate mechanism (4:34-56), and a religious –action mechanism (4:10-30). Stevens teaches a player providing an answer (3:60-4:5), answering correctly and rolling a die and advancing playing pieces (2:23-25). Stevens further teaches newly added limitation of spaces divided into religious sets (trinity). The examiner takes the position that many religions recognize sanctity of Father, Son and Holy spirit in some way or the other with different interpretations. For example the creator of the world is referred as Father in many religions.

Stevens further teaches performing a predetermined religious act (example :Passover) associated with the spaces marked with letter "A". Players landing on letter "A" spaces are required to perform a religious act as in "Passover".

Stevens teaches a game with trivia categories of "Father", "Son" and "Holy Spirit". The only difference between applicant's categories (different religions) and the cited reference (Father, Son and Holy Spirit) resides in meaning and information conveyed by the printed matter that is not considered patentable Ex. Parte Breslow. The game will not change because a different question from a different category is asked. In order to attract game players from different faith, it would have been obvious to print related questions and act indicia on game items. One of ordinary skill in art at the time the invention was made would have suggested modifying game indicia to represent actions and questions from a plurality of different religions to attract players from different faith.

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Claim 22: Stevens teaches religious action Passover (Fig.2B, reference character 19)..

Claim 24: Multiple choice questions (3:34-36).

6. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Cruz (5251904).

Stevens teaches all limitations except that it does not teach a step of losing a turn upon landing on a space.

Cruz teaches a player losing a turn upon landing on a space (L).

The game board art area is a competitive amusement area and a common practice to make the game board entertaining/exciting is to provide action spaces rewarding or punishing players for landing on such spaces.

In order to make the game attractive, it would have been obvious to provide punishment spaces such as "lose a turn space" to make the game attractive.

Response to Arguments

7. Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive. With respect to claims 1-8,21 Cohen may be teaching a different theme, the only difference between Cohen and applicant's claims resides in meaning and information conveyed by the printed matter on spaces. Such printed matter differences are not patentable Ex. Parte Breslow.

Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive. With respect to claims 9-18, 20,22-27 see newly added paragraphs above.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKM
January 19, 2005